



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

805 East Broad Street, Suite 701
Richmond, Virginia 23219
Fax (804) 225-3447

Kathleen W. Lawrence
Executive Director

Becky Nonon Dunlop
Secretary of Natural Resources

(804) 225-3440
1-800-243-7229 Voice/TDD

September 12, 1995

Mr. Donald J. Alexander
Director
Division of Onsite Sewage and Water Services
Virginia Department of Health
P.O. Box 2448
Richmond, Virginia 23218

Dear Mr. Alexander:

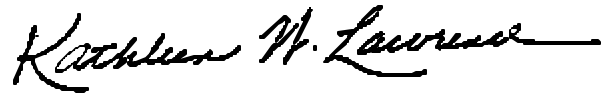
We have reviewed your letter, dated August 29, 1995, which inquired about the applicability of the Chesapeake Bay Preservation Area Designation and Management Regulations (VR-17'3-02-01) to spray irrigation systems with daily flows of 1000 gallons or less per day. These sewage disposal systems were, until recently, operated under Virginia Pollutant Discharge Elimination System (VPDES) permits administered by the Department of Environmental Quality (DEQ). These systems are now permitted through the Virginia Department of Health (VDM) via an agreement with DEQ.

The pump-out provision of Section 4.2.7 of the Bay Act Regulations was adopted to ensure that on-site sewage systems would be regularly maintained in order to benefit water quality by reducing the possibility of drainfield failure. Currently, there are no state-wide regulations that require routine septic system maintenance. One hundred percent reserve areas were included in the regulations so that, in the event of drainfield failure, the economic interest of the property owner would be protected. Systems operating under VPDES permits were excluded from the regulations for several reasons: 1) such systems are in fact, discharging systems; 2) their ongoing operation is covered by a permit; 3) in order to comply with the VPDES permit, maintenance of such systems must be performed on a regular basis; and, 4) such systems do not use subsurface disposal of effluent, so a 100% reserve disposal area is not needed.

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Maintenance of small volume spray irrigation systems will not be required under the VDH on-site regulations. Therefore, it is the Department's view that such systems, which use septic tanks, are now covered by the five-year pump-out provision of local Chesapeake Bay Preservation Area programs. However, because spray irrigation systems discharge their effluent above the surface and therefore do not experience drainfield failure, we feel that the 100% reserve drainfield provision was not intended to apply to these systems.

Sincerely,

A handwritten signature in black ink, reading "Kathleen W. Lawrence". The signature is fluid and cursive, with a long horizontal line extending from the end.

Kathleen W. Lawrence
Executive Director

c: Dr. Donald R. Stern, VDH
Mr. Robert W. Hicks, VDH
Mr. C. Scott Crafton, CBLAD
Mr. Darryl M. Glover, CBLAD

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